

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES**

**May 10, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Present
Board Member James Personti – Present
Board Member John Smith – Present
Board Member Thomas Manuel – Present
Chairman Paul Chalfant – Absent

ACTION: A motion was made by Board Member Boyd to appoint Board Member Personti as Acting Chairman in the absence of Chairman Chalfant until he returns. The motion was seconded by Board Member Smith.

VOTE: All in favor 4-0 with 1 Absent Motion Carried

OLD BUSINESS:

None

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 11-2 tax parcel number 1900-800-370 & 371 also known as 6 N. Park Drive.

Mr. George Morris from First State Towing presented his application to get a recyclers license. He stated he needs the license because the recyclers he deals with are all retiring and would like the job himself.

Board Member Boyd asked how long it takes for them to turn over a car.

Mr. Morris stated it takes about a ½ hour, and he can do about 8 per day. He went on to say that they usually will get about 4 per day though.

Board Member Boyd asked what is done with the parts while they're waiting to be sold.

Mr. Morris stated that they contain the part "responsibly" and DNREC would have to inspect his shop to make sure it's being done properly.

Board Member Manuel asked how many cars they typically store at one time.

Mr. Morris stated 10-20 cars would be stored at one time.

Mr. Manuel went on to ask how long they would be there before they get processed.

Mr. Morris stated they would be there maybe 2 to 3 days.

Board Member Manuel asked what the maximum amount of cars the shop could hold.

Mr. Morris stated he could probably fit 100 cars on the lot at one time. He went on to say that the cars that tend to sit on the lot for long periods of time are ones being held for the City of Wilmington, the Police Department, etc.

Mr. Manuel asked if the property has a fence surrounding it.

Mr. Morris stated that it does indeed have a fence .

Board Member Boyd asked what kind of requirements DNREC has that the business would have to meet.

Mr. Morris stated that they would perform a criminal background check on him and inspect the business to make sure they were doing things properly.

Board Member Manuel asked if the Town had received any letters of complaint on the business.

Code Officer Brian Swift stated they did not.

Town Manager John Giles stated that the Town of Elsmere Code does not recognize the word “recycler”, but what Mr. Morris is trying to run is what the Code identifies as a “junkyard”. He stated that junkyards are prohibited in the GI Zone. He went on to say that the business is in the Flood Plain and there are already issues with the business being there. He said he hoped any approval of the petition included the condition of strict compliance with FEMA regulations, otherwise the entire Town’s Flood Insurance is at risk.

Board Member Personti asked what the license would allow the business to do.

Mr. Morris stated it would allow him to sell the cars and/or parts directly to the Town of Elsmere.

Board Member Boyd asked where he drops the cars at.

Mr. Morris said at the Port of Wilmington.

Town Manager Giles said he feels the biggest issue Mr. Morris would deal with is meeting the requirements of FEMA. He said the problem they have with the business being in the Flood Plain is, in the event there is a flood, the cars would possibly float away and cause jams and damage down stream.

Mr. Morris stated that he feels the cars would not leave the lot due to the 8' fence.

ACTION: A motion was made by Board Member Smith to approve petition 11-2 to allow a junkyard, as well as a recycler, at 6 N. Park Drive, limiting the recycling to the recovery of catalytic converters, car batteries, oil, gasoline, tires, and wheels. The motion was seconded by Board Member Boyd.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the May 10, 2011 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY